

Court of Appeals, State of Michigan

ORDER

John Crittenden v Deborah Dzuris

Docket No. 268019

LC No. 1998-614548-DM

E. Thomas Fitzgerald
Presiding Judge

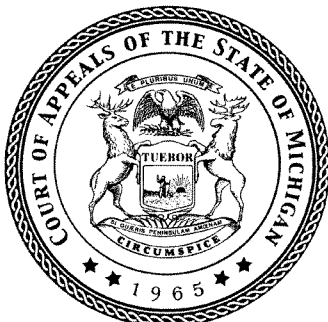
Kathleen Jansen

Deborah A. Servitto
Judges

The Court considers the delayed application for leave to appeal and orders, pursuant to MCR 7.205(D)(2), that the order dated October 28, 2005, of the Oakland Circuit Court assessing attorney fees as sanctions hereby is REVERSED. An award of legal fees is authorized where the party requesting payment of the fees has been forced to incur them as a result of the other party's unreasonable conduct. *Stackhouse v Stackhouse*, 193 Mich App 437, 445; 484 NW2d 723 (1992). In this case, the trial court failed to make specific findings regarding defendant's allegedly unreasonable conduct. Upon review, the record before this Court does not support a finding that defendant's conduct in writing the July letter was so unreasonable as to merit sanctions, particularly in light of plaintiff's initial letter to the medical practice. The case is REMANDED to the circuit court for further proceedings consistent with this order.

The Court retains no further jurisdiction.

This order is to have immediate effect, MCR 7.215(F)(2).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUN 30 2006

Date

Sandra Schultz Mengel
Chief Clerk